

CITY OF MUSCATINE
REGULAR CITY COUNCIL MINUTES
Council Chambers – 7:00 p.m. – November 4, 2010

Mayor Dick O'Brien called the City Council meeting for Thursday, November 4, 2010, to order at 7 p.m. Councilmembers present were LeRette, Fitzgerald, Natvig, Shihadeh, Bynum, Roby, and Lange.

Councilmember Natvig gave the opening prayer which was followed by the Pledge of Allegiance.

Mayor O'Brien swore in Firefighter Aaron Meredith. He then welcomed Boy Scout Troop #104 to the meeting.

#20333. Councilmember LeRette moved to approve the minutes of the October 21, 2010 City Council meeting and the October 21, 2010 Special City Council meeting. Seconded by Councilmember Shihadeh. All ayes; motion carried.

#20334. Councilmember Bynum moved the Consent Agenda be approved as follows: Second reading for a new Class C Beer and Sunday Sales Permit for A&E Convenience, 4701 South Highway 61 – A&E Convenience LLC (pending final paperwork); second reading for a new Class WBN Native Wine Permit for Past Time Antiques & Uniques, 1003 Park Avenue – Jeff and Sharon Schnedler; five-day BW Beer/Wine Permit for Wine-Nutz at Muscatine Art Center, 1314 Mulberry Avenue for a special event to be held November 20, 2010 (pending final paperwork); renewal of a Class BC Beer and Sunday Sales Permit for Aldi Inc. #05, 1820 Park Avenue – Aldi Inc.; renewal of a Class BC Beer and Sunday Sales Permit for Muscatine Citgo Fast Break, 2603 2nd Avenue – Reif Oil Co.; renewal of a Class BW Beer/Wine and Sunday Sales Permit for Salvatore's, 313 E. 2nd Street – Salvatore Vitale's Italian Restaurant LLC; renewal of a Class LC Liquor License with Sunday Sales and Outdoor Service for Missipi Brewing Co., 107 Iowa Avenue – R&D Operations Ltd.; renewal of a Class LC Liquor License with Sunday Sales Permit for Twin Sports Bar, 810 Park Avenue – Twin Sports Bar LLC; Cigarette/Tobacco Permit for A&E Convenience LLC, 4701 South Highway 61; filing of Communications A-I; and Bills for Approval totaling \$1,558,859.81. Seconded by Councilmember Lange. All ayes; motion carried.

#20335. Councilmember Lange moved the resolution be adopted setting a public hearing on the plans, specifications, form of contract and cost estimate for the Weed Park to Wildcat Den Trail Project. Seconded by Councilmember Roby. All ayes: Councilmembers LeRette, Fitzgerald, Natvig, Shihadeh, Bynum, Roby, and Lange. Motion carried and resolution duly adopted.

#20336. Councilmember Bynum moved the resolution be adopted supporting the right to peaceful enjoyment of residents in the City of Muscatine. Seconded by Councilmember LeRette.

Councilmember Shihadeh asked for an explanation of the addendum to a landlord's lease.

Housing Administrator Dick Yerington stated this addendum would not be required. He stated it will be offered to landlords who can attach it to their lease if they want to do so. He explained what was contained in the document. He stated it would be signed by the tenant and the landlord and attached as part of the lease.

Councilmember Shihadeh asked what City Council was voting on and how it would be enforced.

Mr. Yerington stated the city will not be doing any enforcing. He stated enforcement will be the responsibility of the landlord. He stated the Committee is asking for authorization to move forward to distribute the addendum and to begin work on the other two recommendations.

Councilmember Shihadeh stated it was his understanding these recommendations will hold tenants to a higher standard.

Mr. Yerington read to City Council the information compiled by the Committee.

Councilmember Shihadeh commended the Committee for their work on this matter. He then asked if the recommendations would involve any fines, and Mr. Yerington answered no.

Dan Ramsay of the Muscatine Center for Social Action, speaking in reference to the recommendation for a community advocate, explained why the advocate is so important to our community, to the landlords and to the tenants.

Mike Allenbaugh of Muscatine stated he has been a landlord in this community for almost 30 years. He stated he is also a member of the Muscatine Landlord Association. He voiced his concerns about the addendum to a landlord's lease. He stated state law would have to be broken in order to enforce the addendum to the lease and he explained why.

City Administrator Gregg Mandsager stated there is no ordinance under consideration and the only thing being proposed are three recommendations from the Committee which include a handout for a lease addendum that landlords could use, additional education for landlords registered in the community, and the development of community advocate services. He stated none of the recommendations are mandatory.

Councilmember Fitzgerald stated he did not understand why this resolution is needed. He asked why the Housing Department should be responsible for distributing the lease addendum or the additional classes. He pointed out that MCSA is already an advocate in the community.

Mr. Yerington stated under the Section 8 program, the Housing Department provides training twice a year for all registered landlords. He stated the Committee, during its meetings, looked at ways to help neighborhoods having trouble. He stated the Committee felt the adoption of this resolution would show the support as far as the community advocate is concerned so that MCSA could look for future funding sources.

Councilmember Fitzgerald stated he was not opposed to the Committee's recommendations; however, he felt it did not need to be an agenda item.

Mr. Yerington stated the Committee feels the adoption of the resolution will show City Council's support.

Mr. Ramsay stated there is no specific grant funding out there. He stated what he sees the resolution accomplishing is making a statement that the city would be glad to have a lease addendum that will keep people safer, glad to have education for landlords, and glad to support the idea of having someone running around town helping those in need.

Councilmember Shihadeh stated he would support the resolution since there is no harm to anyone. He stated that hopefully, with this on the table, it will bring more landlords together to look at this issue seriously. He stated there is no harm, no fines, just a request for City Council's support.

Councilmember Bynum stated he was on the Committee and all they are seeking is City Council's support of the recommendations being made.

Councilmember Roby stated she feels these recommendations belong with the Landlord's Association. She stated she does not see it as being an action that requires City Council's support. She stated she does support what the Committee is trying to accomplish.

Councilmember Lange stated he sees no harm in showing support for the Committee's recommendations.

Councilmember Natvig asked Mr. Allenbaugh about his reference to breaking state laws.

Mr. Allenbaugh stated the lease will be in conflict with state laws.

Councilmember Shihadeh asked Mr. Allenbaugh if he had a problem with City Council supporting the recommendations since that is all they are.

Mr. Allenbaugh stated he was hesitant about having someone adding language to his lease. He stated the additional training and community advocate are both benefits; however, he is not in favor of the addendum.

Councilmember Shihadeh pointed out that no one is adding anything to Mr. Allenbaugh's lease.

Councilmember LeRette asked if the Committee had reviewed this addendum with the City Attorney. He stated he is concerned by the fact the Committee is encouraging adding something to a landlord's lease, optional or not.

Mr. Yerington stated most of the verbiage contained in the lease comes from the leases used by the Housing Department.

City Administrator Mandsager stated there is nothing in the addendum that would supersede state law.

Vote – Six ayes: Councilmembers Roby, LeRette, Natvig, Shihadeh, Bynum, and Lange. One nay: Councilmember Fitzgerald. Motion carried.

#20337. Councilmember Natvig moved the resolution be adopted accepting completed work performed under the Pearl City Station Bulkhead Repair and Plaza Reconstruction Project and authorizing final payment. Seconded by Councilmember Roby.

Councilmember Shihadeh asked how much of the project will be funded through FEMA.

Finance Director Nancy Lueck stated FEMA allowed for approximately \$550,000. She stated the bulkhead portion of the project and a large majority of the concrete work will be funded through FEMA. She stated the remainder of the items not funded by FEMA will be funded through Downtown TIF funds.

Councilmember Lange explained why he would not be voting in favor of this action.

Vote – Six ayes: Councilmembers LeRette, Fitzgerald, Natvig, Shihadeh, Bynum, and Roby. One nay: Councilmember Lange. Motion carried and resolution duly adopted.

City Administrator Mandsager, speaking in reference to the speed change on Park Avenue, stated this topic came up due to the speed surveys conducted earlier this year. He stated the Iowa Department of Transportation will increase the speed on Park Avenue to 35 mph beginning at Highway 61 and stopping 200' shy of Clay Street. He stated the IDOT feels this is the appropriate speed for this area. He stated this is not an action item; however, the IDOT is seeking City Council's concurrence. He explained that the city's ordinance automatically adopts changes made by the IDOT.

Assistant Police Chief Phil Sargent explained the percentage process used by the IDOT for making adjustments to speed limits. He stated that in addition to this change, the IDOT will be moving the 45 mph speed limit further out on Highway 61 at University Avenue.

Councilmember Fitzgerald stated the IDOT will be making these changes whether City Council concurs or not.

Assistant Chief Sargent stated Councilmember Fitzgerald was correct.

Councilmember Lange asked when the speed cameras would be up and running.

Assistant Chief Sargent stated the goal is to have them operational in December.

Mayor O'Brien asked if there was concurrence from Council on the speed limit change on Park Avenue and they all answered yes.

#20338. Councilmember Roby moved to authorize the issuance of a purchase order to Foster Coach in an amount not to exceed \$58,776 for the refurbishing of one ambulance. Seconded by Councilmember Shihadeh. All ayes; motion carried.

#20339. Councilmember Bynum moved to approve the lease agreement between the City of Muscatine and Grain Processing Corporation for construction of the south end fire station. Seconded by Councilmember Fitzgerald. All ayes; motion carried.

#20340. Councilmember Fitzgerald moved to approve Change Order #2 for the Sunset Park Resident Addition. Seconded by Councilmember Roby.

Councilmember Shihadeh asked if this was a HUD funded project.

Mr. Yerington answered yes and pointed out the project is still under the \$174,000 budgeted amount.

Vote – All ayes; motion carried.

#20341. Councilmember Natvig moved to authorize the issuance of a purchase order to Bayfield Snow Removal for the 2010/2011 Central Business District snow hauling. Seconded by Councilmember Lange. All ayes; motion carried.

#20342. Councilmember LeRette moved to authorize holiday curbside recycling for December 27, 2010 through January 3, 2011. Seconded by Councilmember Lange.

Councilmember Fitzgerald stated he feels additional dumpsters should be provided to eliminate the additional \$1,000 the city will be spending for this service. He stated the curbside program was terminated and this is an additional expense the city does not need.

City Administrator Mandsager stated it is staff's recommendation this service not be provided at this time. He stated that during the holiday season employees are out two to three times a day emptying the dumpsters. He stated that additional dumpsters could be placed in the areas that get the highest usage.

Councilmember LeRette stated \$50,000 was budgeted for cardboard curbside recycling program through the end of the budget year. He stated the proposed holiday pickup would be during a time of high volume when many people will have large boxes. He stated the majority of those boxes are not going to be recycled and will end up at the landfill. He explained why he felt this additional pickup was needed. He then asked what the average tonnage is per week for cardboard collected.

Solid Waste Manager Laura Liegois stated during the holiday season approximately 20 tons of cardboard are picked up. She stated that amount can probably be cut in half during an average week.

Councilmember Fitzgerald highly recommended that residents cut the cardboard up and take it to the dumpsters. He stated additional dumpsters will be available.

Councilmember Roby stated this is only a seven-day issue. She agreed with Councilmember Fitzgerald and also stated the \$1,000 could be used somewhere else. She stated this whole issue is going to go away on April 1, 2011 anyway.

Councilmember Natvig agreed with Councilmember LeRette. He stated it makes sense to him to provide this service.

Councilmember Lange asked Ms. Liegois if she felt the past holiday pickup programs have been successful.

Ms. Liegois stated the cardboard pickup programs offered during the last few holiday seasons have been successful. She stated staff's recommendation is based upon the upcoming program changes.

Councilmember Lange stated that City Council had approved spending \$300,000 to make repairs to a building located in the flood plain and so he did not see the proposed \$1,000 expenditure for the holiday pickup as a big problem.

Councilmember Fitzgerald stated it was his understanding that staff's recommendation is to not provide this service.

City Administrator Mandsager stated he was correct.

There was discussion on why this item was on the agenda.

Councilmember LeRette compared holiday curbside recycling program to the leaf pickup service provided by the city.

Councilmember Fitzgerald stated the leaf pickup program is a whole different issue.

Councilmember LeRette stated the leaves could be taken to the compost site.

Public Works Director Randy Hill stated it is not necessarily the \$1,000 expenditure. He stated staff is confused by what City Council wants. He stated staff feels as if it is getting mixed messages.

Councilmember Fitzgerald stated that on April 1, 2011 curbside recycling will begin in Muscatine. He stated he feels tonight's proposed holiday recycling program is not necessary. He stated there are things city staff can do without City Council approval.

Councilmember Lange stated he was not a big advocate of recycling; however, last Christmas he did place his cardboard out for pickup. He stated he feels this is probably true of a lot of people.

Vote – Four ayes: Councilmembers LeRette, Natvig, Shihadeh, and Lange. Three nays: Councilmembers Roby, Bynum, and Fitzgerald. Motion carried.

#20343. Councilmember Roby moved to approve “No Parking This Side” on the south side of Steamboat Way, “No Parking This Side” on the north side of George Street between Main Street and the alley, and restricted parking along the north side of Robin Road 147’ west of Sunrise Circle and 52’ east of Sunrise Circle. Seconded by Councilmember Bynum. All ayes; motion carried.

#20344. Councilmember Lange moved to approve the City of Muscatine Employee Handbook. Seconded by Councilmember LeRette.

#20345. Councilmember Fitzgerald moved this matter be tabled until the November 18, 2010 meeting to allow further review of the document. Seconded by Councilmember Roby. All ayes: Councilmembers LeRette, Fitzgerald, Natvig, Shihadeh, Bynum, Roby, and Lange. Motion carried.

City Administrator Mandsager asked that City Council submit their questions to him concerning the handbook so they can be answered prior to the next City Council meeting.

#20346. Councilmember Fitzgerald moved to approve the additional work related to the Hangar Access Road Construction Project. Seconded by Councilmember Natvig.

Councilmember Lange asked if TIF funds would be used.

City Administrator Mandsager stated there are funds available in the South End TIF.

Vote – All ayes; motion carried.

Under comments, Councilmember LeRette clarified his comment made earlier in the evening concerning the city’s leaf pickup program. He stated he was not suggesting the city not offer the service. He just wanted to point out the leaf pickup program is not offered on a weekly basis but occurs when the volume is there.

Councilmember Natvig recognized Police Chief Coderoni for 20 years of outstanding service to the city and wished him the best in his retirement.

Councilmember Bynum asked for an update on Hershey Avenue and Mississippi Drive.

City Administrator Mandsager stated that Public Works staff met with the contractor on Monday and the completion date is still planned for later this year.

Mr. Hill stated there are goals that have been set and the contractor hopes to have Mississippi Drive opened by the end of November and Hershey Avenue paved by the end of December.

Councilmember Fitzgerald asked about the portion of Hershey Avenue to Main Street.

Mr. Hill stated the goal is to have that area done by the end of November as well.

Councilmember Bynum then mentioned that Clay Street is now opened.

Councilmember Roby also commented on the fact that Clay Street is now opened. She stated that the golf course had an excellent golf season. She also stated that the Hampton Inn will have its ribbon cutting on November 11, 2010 and is now open. She then wished the Mayor a belated Happy Birthday.

Councilmember Lange stated that earlier in the evening Channel 6 had a news report on the air quality in Muscatine.

City Administrator Mandsager stated that a Channel 4 representative had contacted him earlier in the day and apparently there is a report that came out concerning sulfur emissions in Muscatine County. He stated that the Bi-State Regional Commission was contacted as well.

City Administrator Mandsager stated he has an additional agenda item which is a resolution setting a public hearing on the designation of the expanded Highway 38 Northeast Urban Renewal Area and urban renewal plan amendment. He stated the hearing will be held on December 2, 2010. He asked that City Council take action to adopt the resolution.

#20347. Councilmember Shihadeh moved the resolution be adopted. Seconded by Councilmember Natvig. All ayes: Councilmembers LeRette, Fitzgerald, Natvig, Shihadeh, Bynum, Roby, and Lange. Motion carried and resolution duly adopted.

City Administrator Mandsager, speaking in reference to the National Citizen Survey, stated the library question is proving to be difficult and there may be a downtown question instead.

City Administrator Mandsager stated the city has the ability to save some General Fund dollars during the budget process through TIF. He stated the problem is that TIF debt has to be certified to the county in November. He stated that at the November 18, 2010 City Council meeting, Council will be asked to authorize the city to allocate \$100,000 in TIF debt for administrative costs. He stated the same thing could be done for the Chamber's allocation. He stated the city would realize a savings of approximately \$135,000 to the General Fund.

Councilmember Fitzgerald asked if this action will just give the city the opportunity to use it when needed.

City Administrator Mandsager stated it would create a debt in TIF that would reoccur the next year. He stated the problem is it has to be done in November.

#20348. Councilmember Shihadeh moved to go into Closed Session at 8:35 p.m. to discuss union negotiations. Seconded by Councilmember Natvig. All ayes: Councilmembers LeRette, Fitzgerald, Natvig, Shihadeh, Bynum, Roby, and Lange. Motion carried.

The Muscatine City Council went into closed session at 8:42 p.m. on Thursday, November 4, 2010, to discuss union negotiations. Present were Mayor Dick O'Brien and Councilmembers LeRette, Fitzgerald, Natvig, Shihadeh, Bynum, Roby, and Lange. Also present were City Administrator Gregg Mandsager and Human Resources Manager Stephanie Romagnoli. In addition, Matt Brick, the city's labor attorney, was available via telephone.

#20349. Councilmember Shihadeh moved to leave Closed Session at 9:30 p.m. Seconded by Councilmember Fitzgerald. All ayes: Councilmembers LeRette, Fitzgerald, Natvig, Shihadeh, Bynum, Roby, and Lange. Motion carried.

#20350. Councilmember Shihadeh moved the meeting be adjourned at 9:30 p.m. Seconded by Councilmember Fitzgerald. All ayes; motion carried.

Richard W. O'Brien, Mayor

ATTEST:

Gregg Mandsager, City Administrator